



Policy Memorandum

Subject: Restricting Gun Access for Domestic Violence Offenders

Approximately 1 in 3 women and 1 in 4 men in the U.S. have experienced some kind of severe physical violence at the hands of an intimate partner in their lifetimes. When you add guns to the equation, women in the U.S. are 21 times more likely to be killed with a gun than in other high-income countries. The U.S. is therefore the most dangerous high-income country with regard to violence against women.

The gun lobby is powerful. Preemption prevents many local governments, but not all, from having the power to pass legislation that bans certain weapons, allows the confiscation of guns from dangerous people, or creates requirements for purchasing weapons. For these cities, that ability still lies with state and federal powers.

Despite these hurdles, cities can improve this problem by implementing a federal law already in existence: The Gun Control Act of 1968. This memo introduces several ways to restrict access to guns that do not face issues of preemption:

1. **Respond** – reduce the supply of illegal guns and ensure domestic violence offenders do not have access to illegal guns
2. **Prevent** – provide programming that offers positive alternatives to at-risk individuals and resources to survivors or potential victims
3. **Improve** – systems that track guns and those who own them

1. Respond to those who have already committed crimes

Under the current federal law the Gun Control Act of 1968, individuals who have been convicted of a Class C misdemeanor of domestic violence, or who are subject to a permanent court restraining order are prevented from possessing a firearm. Cities can improve systems that report those convicted to the FBI and retrieve firearms from these individuals in several ways. Dallas Mayor Mike Rawlings made a requirement in 2018 for municipal courts to report to the state the identities and fingerprints of all people found guilty or who pleaded no contest to Class C misdemeanor family violence charges. After being reported to the state, the information is forwarded to the FBI for its National Crime Information Center, the database for background checks to obtain a firearm. Multnomah County, Oregon addressed these systemic failings in 2014 by improving the court filing system to make it easier to track restraining orders and share information, as well as working with three departments to ensure guns are confiscated from those who legally should not possess them.

2. Prevent violence through programming

Cities with more funding can introduce or expand programming that aids in prevention of domestic violence. Things like offering cognitive behavioral therapy or other positive alternatives to at-risk folks; creating summer employment opportunities for at-risk youth who might one day become offenders; and aiding potential victims and survivors with comprehensive services. This kind of programming takes the focus from reactive to proactive measures of reducing both domestic violence and gun violence.

3. Improve systems

Local governments are also able to impose additional improvements and requirements. For instance, we can conduct studies and analyses of gun violence in a city, improve the utility and use of crime gun trace data, and reduce gun theft through data and education. We can also work with gun dealers to strengthen oversight by requiring background checks on all gun sales and requiring a local permit for gun shows to occur.